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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,620	01/14/2005	Jorg Heuer	112740-1039	2015
29177 7590 06/01/2007 BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690			EXAMINER LEWIS, CHERYL RENE A	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,620

Applicant(s)

HEUER ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15-36 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Lapstun et al. (Publication No. 2005/0204265 A1 filed March 9, 2005, hereinafter Lapstun).
4. Regarding Claims 15, 25, 35, and 36, Lapstun teaches a method of position coding using sequences.

The method and associated system for of position coding using sequences as taught or suggested by Lapstun includes:

associating position codes with the data elements in a pre-determined sequences (Abstract, ¶1-6, ¶0085, 0087-0088, 0091-0094); selecting the position codes (Abstract, ¶1-6, ¶0085, 0087-0088, 0091-0094, 0099, 0102), if lengths of the position codes are unlimited (¶0102-0108), any desired number of other position codes (¶0120-

0122) may be allocated for position of other data elements between positions of two data elements in order to code positions of other data elements (Abstract, ¶1-6, ¶0085, 0087-0088, 0091-0094, 0099, 0102); providing the position codes represent rational numbers (¶0120-0122); and decoding the position codes (¶0092).

5. Regarding Claims 16 and 26, Lapstun teaches a first position code and a last position code of the data elements is selected such that other position codes may be inserted at least one of before the position code and after the last position code (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

6. Regarding Claims 17 and 27, Lapstun teaches at least one of the first position code is not equal to 0 and the last position code is not equal to 1 (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

4.Regarding Claims 18 and 28, Lapstun teaches position codes include binary data (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

7. Regarding Claims 19 and 29, Lapstun teaches position codes include at least one of bit n-tuples and extension bit, a quantity of the at least one extension bit corresponding to a quantity of at least one data bit-n-tuples (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

8. Regarding Claims 20 and 30, Lapstun teaches the data structure forms part of a data tree (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

9. Regarding Claims 21 and 31, Lapstun teaches data elements include data codes for data elements of a document (¶0085, 0087-0088, 0091-0094, 0099, 0102-0108).

10. Regarding Claims 22 and 32, Lapstun teaches the document is XML (§0085, 0087-0088, 0091-0094, 0099, 0102-0108).

11. Regarding Claims 23 and 33, Lapstun teaches an MPEG coding method (§0085, 0087-0088, 0091-0094, 0099, 0102-0108).

12. Regarding Claims 24 and 34, Lapstun teaches standardized MPEG coding method (§0085, 0087-0088, 0091-0094, 0099, 0102-0108).

NAME OF CONTACT

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
May 22, 2007